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Committee on Economic, Social and Cultural Rights

Fifty-ninth session

Summary record of the 64th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 28 September 2016, at 10 a.m.

Chair: Mr. Sadi

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The meeting was called to order at 10 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Fourth periodic report of the Dominican Republic (continued) (E/C.12/DOM/4; E/C.12/DOM/Q/4 and Add.1)

1. *At the invitation of the Chair, the delegation of the Dominican Republic took places at the Committee table.*

2. **Ms. Urbáez** (Dominican Republic) said that the minimum wage in the State party varied according to sector and company size and was set by a committee comprising government, union and employers' representatives. The informal sector was a structural part of the country's economy and thus had an impact on workers' living standards and incomes. The entry into force of the contributory health scheme and the new social security system had coincided with a decline in the informal sector.

3. Campaigns to raise awareness of workers' rights had been launched with the aim of eradicating discriminatory recruitment practices. Access to employment was not predicated on gender, age, religion or political affiliation. Women's rights in the workplace were protected; they were not required to undergo pregnancy testing and their right to equal pay was respected. The employment rights of persons with disabilities were promoted by the National Council on Disability and through a range of public policies and programmes, including training for staff in the public and private sectors. Persons with disabilities were covered by all of the country's social programmes, including those relating to cultural rights, and increasing numbers were owners of small businesses. The State party had hosted a regional event on accessible tourism in 2014.

4. Domestic workers benefited from special social security provisions, and their employers were required to pay for workplace insurance and contribute to their pensions. Under the Labour Code, they were entitled to paid holiday, rest days and permission to attend medical appointments.

5. Workplace harassment was prohibited by the Labour Code, and complaints could be submitted to the Ministry of Labour; none had been received that year. Women's empowerment and inclusion in the workforce had created 400,000 jobs, of which over 120,000 were in micro, small and medium-sized enterprises. That success was largely thanks to the formalization of the job market, the provision of credit to small-scale agricultural producers and the Government's commitment to ensuring that 20 per cent of public procurement went through businesses owned by women. Additionally, credit checks as a prerequisite for employment had been banned, and all employment legislation that discriminated against women had been repealed.

6. There were campaigns to reduce stigma and discrimination against persons with HIV/AIDS, who received the drugs required for their treatment free of charge. The State party had updated its essential drugs list, and the drugs were acquired by the Ministry of Health and Social Welfare through open and transparent procurement processes.

7. **Ms. Paulino Gómez** (Dominican Republic) said that minimum wage increases must receive the approval of all members of the minimum wage committee; the decision was not taken solely by the Government. With regard to the quota for women on electoral lists, the Senate was working to amend Act No. 275-97 and the law on political parties.

8. **Ms. García** (Dominican Republic) said that a study carried out in 2000 had detected 436,000 children working in the Dominican Republic. Ten years later, another study had

found that the figure had dropped to 304,000. A road map to eradicate child labour had been drawn up and aligned with similar international road maps. The issue was also addressed in the National Development Strategy, which provided for yearly targets and a national steering committee. The normative framework for the road map was under review, and a new workplan was devised every two years, with continuous monitoring to ensure that each government agency was meeting its objectives. Local committees had been created in different sectors, and particular success had been seen in the agricultural sector, where child labour was common. The figure from 2010 therefore did not reflect recent progress. The State party had ratified the International Labour Organization Minimum Age Convention, 1973 (No. 138), and, while the minimum age for employment in the country was currently 14, it was to be reviewed in the future.

9. An inter-agency commission had been established to address the sexual and commercial exploitation of children, an issue that was also dealt with by the Public Prosecution Service. In 2015, 27 cases had been brought before the courts, and 15 cases had been investigated. A bilateral commission had been established in cooperation with the Haitian authorities to prevent sexual and commercial exploitation and trafficking.

10. **Ms. Alcántara** (Dominican Republic) said that micro, small and medium-sized enterprises owned by women were given priority in government procurement processes; that measure had seen those enterprises receive almost 40 billion pesos between 2012 and 2016. They could also access technical assistance and training. The Equality Seal was given to businesses that respected gender equality. Women could also train in non-traditional professions such as construction. Harassment was addressed in a guide to equal opportunities and non-discrimination in the workplace. The Ministry of Women was represented on the inter-agency commission for sustainable development, and gender mainstreaming was a feature of the National Development Strategy 2030, which included a pilot programme on gender-sensitive budgeting in eight government departments.

11. **Ms. Liriano de la Cruz** (Dominican Republic) said that the country suffered from a shortage of around 1 million houses. Between 2011 and 2015, 0.5 per cent of the national budget had been spent on low-cost and social housing, and 2016 had been designated the Year of Housing Development. Social housing had been built across the country, including in rural and suburban areas, and there was a fund that offered incentives to the private sector to encourage investment in low-cost housing. However, the need to rehouse those affected by natural disasters hindered efforts to respond to the needs of the poorest communities. Lastly, initiatives to improve existing housing, and thus allow persons to remain near their place of work, were under way.

12. **Ms. Abreu de Polanco** (Dominican Republic) said that, when land was appropriated for the construction of public works, the Government relocated all affected residents or paid them fair compensation. Complaints of forced evictions in the east of the country were being investigated.

13. The Government had recently ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and was considering the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

14. In 2015, the Government had drawn up its first national human rights plan in consultation with international bodies and more than 900 civil society organizations. The plan made provision for the inclusion of human rights education in the school curriculum. There were annual campaigns on the prevention of cardiovascular disease and the dangers of smoking, including passive smoking. Anti-drug legislation established a sliding scale of punishments from 6 months to 30 years in prison for offences ranging from drug possession to drug selling and trafficking.

15. **Ms. Liriano de la Cruz** (Dominican Republic) said that the Dominican Republic was a multiracial, multicultural society. As 83 per cent of the population was of African descent, there was no segregation of that group in any particular geographic area. The Ministry of Culture had worked for decades to strengthen the country's cultural infrastructure, supporting provincial and national carnivals, financing more than 300 cultural projects throughout the country and ensuring that cultural traditions were taught in schools. The Government recognized the importance of intangible culture and was working towards the establishment of a cultural centre to celebrate the country's African heritage. Haitians made up the largest proportion of the migrant population, and the Government did not place any restrictions on their cultural expression. While there was still progress to be made, school textbooks now better reflected the racial make-up of Dominican society.

16. The majority of young people in higher education studied business and related subjects, with law and health care also popular fields. The Ministry of Education had made it a priority to train more science teachers and in recent years had begun awarding scholarships to students taking teaching courses. That initiative had led to enrolments in those courses accounting for 13 per cent of the student body in 2014. The Ministry had also offered incentives to help strengthen the national research capacity and build knowledge in scientific areas. Over the previous 10 years, 5,000 students had received scholarships to pursue scientific studies abroad. Information and communication technology courses had grown in popularity, with over 47,000 students studying those subjects in 2014. The Ministry of Women was working in partnership with the Research Centre for Feminist Action to increase women's participation in scientific and technological fields.

17. **Mr. Kedzia**, recalling that the State party had accepted recommendation No. 98.77 made during its second universal periodic review, on the investigation of human rights violations against journalists and human rights defenders and the prosecution of those responsible, asked the delegation to provide information on the outcome of the National Public Safety Plan, particularly with regard to the prosecution of persons making threats against human rights defenders. He wished to receive data on the scale of the problem, notably concerning those human rights defenders working on economic, social and cultural rights. He also asked what the State party had done or planned to do to tackle the high incidence of hepatitis C among its population.

18. **Mr. Mancisidor de la Fuente** asked the delegation to provide examples of instances in which the right to education, as enshrined in the Covenant, had been invoked before the courts. Did the Government plan to increase the education budget beyond the 4 per cent of gross domestic product (GDP) that it was currently spending? He wished to receive information on the inclusion of sexual and reproductive health in the school curriculum, and on how the Government was tackling gender stereotypes. What infrastructure was in place to ensure schools could accommodate students with disabilities and was there any legislation in effect requiring new schools to be made fully accessible?

19. **Mr. Dasgupta** asked whether the State party intended to establish a minimum age for sexual consent, to remove the immunity from prosecution granted to members of the priesthood, which had prevented or delayed the prosecution of cases involving the sexual abuse of children, and to permit abortion in certain cases in line with its obligations under the Covenant. Noting that investigations had been carried out in only 15 of the 27 cases of sexual abuse and exploitation recorded the previous year, he asked whether there had been prosecutions in any of those cases and, if so, whether any convictions had been handed down. He asked for more information on the 12 cases that had not been investigated.

20. He wished to know whether steps were being taken to address the lack of clean drinking water and access to sanitation and whether the delegation could explain why the poverty rate had almost doubled since 2001. It was still not clear whether any steps had been taken to implement and monitor the results obtained by the National Strategic Plan

against Child Labour 2006-2016 and the National Plan for the Eradication of the Worst Forms of Child Labour. He asked whether the State party intended to increase the proportion of GDP allocated to health services, why it was not making use of generic medicines in the treatment of HIV/AIDS and why the 2002 Basic Health Plan had ruled out the possibility of treating HIV/AIDS on grounds of cost.

21. **Ms. Bras Gomes** asked for more information on employment quotas for persons with disabilities and on the situation of undocumented migrants who were unable to register as workers because they did not have a passport. She wished to know whether the social security system benefited all citizens or only those who had contributed to it and how the State party ensured that social security provisions for domestic workers were being implemented. Did the minimum wage ensure an adequate standard of living, what impact had the Progress with Solidarity programme had on reducing poverty and would the State party consider implementing a minimum income?

22. Noting that no complaints of sexual harassment had been made in the past year, she asked whether victims refrained from making such complaints because it was not possible for them to do so without terminating their contracts. Lastly, she said that, although it was encouraging that the State party intended to make women's policies a key part of its Sustainable Development Goals, more action must be taken to ensure that women's economic, social and cultural rights were upheld.

23. **Mr. Chen** asked whether measures were being taken not only to protect the rights enshrined in the Covenant but also to promote them. Had the State party implemented programmes or initiatives aimed at promoting human rights or did it limit itself to responding to complaints of violations?

24. **Mr. Uprimny** (Country Rapporteur) said he would like information on the reported assault two days previously on Mr. Genaro Rincón, a defender of the rights of persons of Haitian origin. He asked how the State party could know whether there was racial discrimination when it had no disaggregated data that might shed light on the relationship between citizens' ethnic origin and their enjoyment of human rights. Would it consider including that variable in its human rights data? He would be interested to learn whether the rights of lesbian, gay, bisexual, transgender or intersex persons would be protected only by the bill on discrimination currently under discussion or whether specific legislation would be adopted for that purpose.

25. Although the adoption of Act No. 169-14 was an attempt to address the problems caused by the retroactive withdrawal of nationality from Dominicans of Haitian origin, it benefited only around a third of those affected and created a distinction between those who had been registered at a particular point in time and those who had not. He wished to know what specific steps were being taken to remedy the human rights violations brought about by the original decision.

26. He asked whether specific measures had been taken to address the problem of the growing number of school pupils who repeated school years or dropped out of school altogether, particularly at the primary level. He wished to know what steps were being taken to improve the access to education of children of Haitian origin who did not have Dominican nationality. Noting that certain children, particularly those belonging to marginalized populations, had difficulty obtaining birth certificates and identity documents, he asked what steps were being taken to make such documents easier to obtain.

27. Noting that the State party had a very high maternal mortality rate for its level of development, partly owing to the fact that abortion was completely banned, he asked whether any measures were in place to reduce that rate. In view of the disparity between the infant mortality rates of the highest and the lowest income quintiles of the population, he

asked what measures were being taken to address the problem of unequal enjoyment of the right to health.

28. **The Chair** asked for more information on prison conditions in the State party and said that he wished to know whether it would consider taking a more compassionate approach to youths who were given long prison sentences after being lured into the illegal drug trade by hardened criminals.

29. **Ms. Urbáez** (Dominican Republic) said that the current process of reform and modernization was outlined in the National Development Strategy, the 10-Year Health Plan, and the Strategic Health Agenda. The Dominican Republic was also a member of the Executive Board of the World Health Organization and was therefore attempting to adapt its system to guidelines and programmes that were being developed and revised at a global level. In particular, it was trying to meet the health needs of the population by focusing on maternal mortality, child mortality and vaccination campaigns. Efforts had also been made to improve the provision of both primary and specialized health care so that the entire population would have access to vaccinations and medications without discrimination of any kind. The Ministry of Health had established primary health care units, and people's pharmacies had been set up to give the population access to affordable medicines, with funding from the Pan American Health Organization. Anti-retroviral medicines were provided to persons with HIV/AIDS for one year and, although generic medicines were not currently being used, the Government was considering the possibility of purchasing them for HIV/AIDS and hepatitis C treatment.

30. In 2005, 8,261 labour law violations relating to weekly rest periods, the minimum wage and other issues had been recorded. The Ministry of Labour provided legal assistance to domestic workers and other workers; 1,985 requests for such assistance had been received in 2015.

31. **Ms. Paulino Gómez** (Dominican Republic) said that the Dominican Republic was taking steps to include sexual and reproductive health in the education curriculum.

32. **Ms. Alcántara** (Dominican Republic) said that, in 2012, the Ministry of Women and the Teachers' Association had signed an agreement on training with the aim of bringing about a progressive reduction in violence against women and girls, teenage pregnancy and sexually transmitted diseases. The United Nations Secretary-General's UNiTE to End Violence against Women campaign was also contributing to that goal, and a 24-hour hotline provided information on women's rights. The Ministry of Education had developed a 60-hour community service module that was compulsory for all secondary school students. It focused on freedom from violence and included sexual education, with emphasis on preventing teenage pregnancy.

33. **Ms. García** (Dominican Republic) said that, in 2015, the national authorities had recorded 13 cases of trafficking in persons, 12 of commercial sexual exploitation, 1 of child pornography and 1 of the sale of children. To date, sentences had been handed down in 3 of those cases, resulting in the convictions of three men, while the other 24 cases were currently under investigation. The road map to eradicate child labour was the main government strategy for tackling the worst forms of child labour. There were plans to include a section on child labour in future national household surveys.

34. **Ms. Liriano de la Cruz** (Dominican Republic) said that there was a need for further debate in the State party on the inclusion of racial origin in statistical surveys and the targeting of affirmative action programmes. The majority of Dominican nationals were of African descent, and the only minority groups in the country were made up of migrants rather than groups of specific racial origin.

35. It had taken much effort and many years to achieve the current level of expenditure on education. However, more could and would be done in that regard. A number of programmes had been launched to ensure that early childhood protection reached all children, so that they then had access to basic education. School hours had been extended to tackle absenteeism and juvenile delinquency, reduce the number of students obliged to repeat a school year, provide access to quality teaching and combat poverty by enabling parents to go out to work. Children were provided with school meals on a daily basis during the school week. Over the past three years, a large number of educational establishments had been built. Mechanisms had been put in place to remove children from situations of child labour and abuse and put them in school.

36. **Ms. Abreu de Polanco** (Dominican Republic) said that the Government was open to cooperation with human rights actors, and a number of human rights defenders had taken part in the preparation of the first national plan on human rights in 2015. Attacks such as that on Mr. Genaro Rincón were extremely rare.

37. Ruling No. 168/13 had been issued in response to a petition for *amparo* and empowered the Directorate-General for Migration to enforce Immigration Regulation No. 279 on the regularization of the status of foreign nationals. The President had enacted law No. 169/14 on naturalization relating to 55,000 persons recorded in the civil registry, who would have their identity documents returned to them and would be registered as Dominican nationals. Following consultations with representatives of civil society and of a number of international organizations, including the International Organization for Migration, a mechanism had been set up to promptly resolve any issues which might arise in that regard. Undocumented migrants enjoyed access to justice and primary and secondary level education. However, persons wishing to graduate from university in the State party must have identity papers. While the Government wanted to regularize the status of all foreign nationals resident in the country, in order to ensure that they had legal personality and enjoyed access to the social security system, such persons must obtain identity documents from their country of origin. The Government of Haiti had agreed to take measures in that regard and should be supported in its efforts by the international organizations. The Central Electoral Board of the Dominican Republic had set up a system of mobile units to register undocumented Dominican nationals across the country.

38. A number of Dominican nationals, including members of the clergy, accused of committing offences of child sex abuse, had been tried and convicted by the national courts. In cases where the alleged perpetrator enjoyed diplomatic immunity, the national authorities must wait for his or her country of origin to lift that immunity before further action could be taken. In one high-profile case, a diplomat accused of child sex offences had been recalled by his superiors but had died before he could be put on trial.

39. In 1996, work had begun to overhaul the prison system, tackle overcrowding in prisons, ensure respect for human dignity and make penitentiary officials aware of the United Nations Standard Minimum Rules for the Treatment of Prisoners. There were currently 21 detention centres, staffed by civilian officials trained at the penitentiary system training school, which received students from across the region. An international expert had recently singled out the Dominican prison system as a model for other countries to follow. Detainees were treated in a dignified manner and enjoyed access to training and basic and university education.

40. Under legislation introduced in 2013, 5 per cent of the staff of public bodies must be persons with disabilities, and all private and public sector organizations were required to ensure that their premises were accessible. Information on access to water would be provided to the Committee in writing.

41. **Mr. Uprimny** (Country Rapporteur) said that, according to the Institute for Criminal Policy Research, prisons in the State party were overcrowded, with around 25,000 persons being held in facilities with a total capacity of approximately 14,000.

42. Overall, the dialogue with the delegation had been fruitful, although a number of questions had gone unanswered. He hoped that the Committee would receive further information in that regard from the delegation in writing. The delegation had recognized the need to address certain issues, such as serious shortcomings in respect of housing and the national tax system, and had acknowledged the importance of promoting the realization of economic, social and cultural rights and adopting a comprehensive anti-discrimination law. He hoped that the Committee's concluding observations would be disseminated among civil society and Government bodies and duly implemented.

43. **Ms. Abreu de Polanco** (Dominican Republic) said that she wished to thank the Committee for the warm welcome and treatment afforded to her all-female delegation. Constructive dialogue with the Committee was vital as it assisted the Government in implementing the provisions of the Covenant.

The meeting rose at 12.45 p.m.